

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRANK MERCADO, individually and as administrator of
the Estate of DAVID MERCADO, and EVELYN
MERCADO,

Plaintiffs,

08 CV 2855 (Judge Jones)

- against -

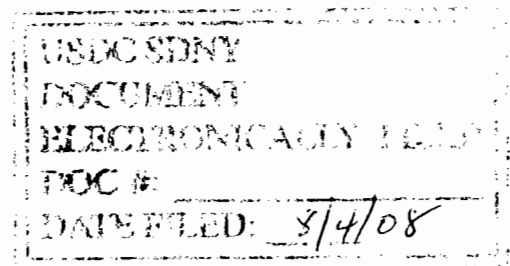
STIPULATION

THE CITY OF NEW YORK, DEPARTMENT OF
CORRECTION COMMISSIONER MARTIN F. HORN,
JOHN DOE CORRECTION OFFICERS #1-5, PRISON
HEALTH SERVICES, INC., MICHAEL CATALANO,
C.E.O. OF PRISON HEALTH SERVICES, INC.,
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE MEDICAL DIRECTOR TREVOR PARKS,
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE PROGRAM DIRECTOR REBECCA PINNEY,
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE DEPUTY COMMISSIONER JAMES
CAPOZIELLO, DEPARTMENT OF HEALTH AND
MENTAL HYGIENE MEDICAL DIRECTOR DOCTOR
BENJAMIN OKONTA, PRISON HEALTH SERVICES,
INC., EMPLOYEES #1-5,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the
undersigned Parties, attorneys of record for all Parties, that this action be and the same hereby is
discontinued without prejudice as against Defendants JAMES CAPOZIELLO and DOCTOR
BENJAMIN OKONTA, without costs or disbursements to either party as against the other.

534003.1



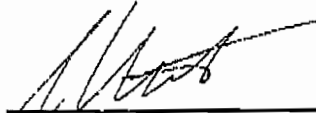
07/29/2008 14:46 IFAX astoll@nyc.rr.com

→ Andrew Stoll

002/002

This stipulation may be filed without any further notice with the Clerk of the Court

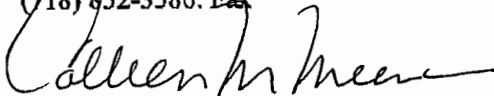
Dated: New York, New York
July 17, 2008



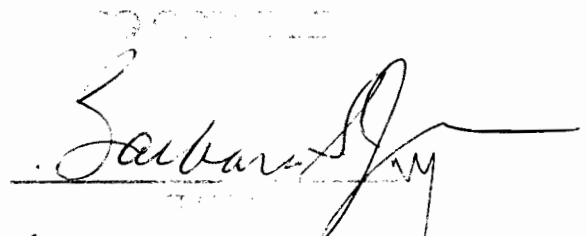
ANDREW STOLL, ESQ.
Stoll, Glickman Bellina, L.L.P.
Attorneys for Plaintiff Frank Mercado
71 Nevins Street
Brooklyn, New York 11217
(718) 852-3586: Fax



PAUL STUART HABERMAN, ESQ. (PH 2771)
Heidell, Pittoni, Murphy & Bach, LLP
Attorneys for Defendants
99 Park Avenue
New York, New York 10016
(212) 490-8966: Fax



COLLEEN M. MEENAN, ESQ. (CM7439)
Meenan & Associates, L.L.C.
Attorneys for Plaintiff Evelyn Mercado
64 Fulton Street, Suite 502
New York, New York 10038
(212) 226-7716: Fax



August 4, 2008